

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTH STAR GAS COMPANY,
Plaintiff,
v.
PACIFIC GAS AND ELECTRIC
COMPANY, et al.,
Defendants.

Case No. [15-cv-02575-HSG](#)

**ORDER DIRECTING SUPPLEMENTAL
BRIEFING ON DEFENDANTS'
MOTION TO DISMISS**


Re: Dkt. No. 60

The parties are directed to submit simultaneous supplemental briefs, not to exceed 15 pages, focusing on the legal basis for allowing (or prohibiting) a showing of anticompetitive conduct under Section 2 in a regulated industry based on a “business torts” theory, however named. The parties should discuss why the Court should or should not extend the application of Section 2 to this case under the Ninth Circuit’s analysis in *MetroNet Servs. Corp. v. Qwest Corp.*, 383 F.3d 1124 (9th Cir. 2004), and why the Court should or should not make that determination as a matter of law at the motion to dismiss stage.

In addition, the parties are directed to submit a list of Supreme Court and Circuit Court cases that consider the application of *Verizon* to allegedly anticompetitive conduct in regulated industries. The briefs must be submitted by February 6, 2017. No responsive filings are permitted.

IT IS SO ORDERED.

Dated: 1/24/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge